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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CARLOS ALBERTO CEDANO-  
PEREZ,

Defendant.

2:09-CR-421 JCM (VCF)

**ORDER**

Presently before the court is the report and recommendation of Magistrate Judge Cam Ferenbach (doc. #82) regarding the defendant's motion to suppress (doc. #79). Defendant has not filed an objection to the report and recommendation.

Magistrate Judge Ferenbach recommends that the court deny the motion to suppress because "a motion to suppress is not the appropriate vehicle to obtain the relief defendant seeks." Doc. 82 (citing Fed. R. Crim. P. 12(b)(3)(C). Rather, if defendant wishes to challenge the validity of his prior conviction, he must due so "during his federal sentencing proceedings." *Id.* (quoting *Daniels v. United States*, 532 U.S. 374, 382 (2001)).

Upon review of the magistrate judge's recommendation and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the report and recommendation of Magistrate Judge Cam Ferenbach (doc. #82) regarding the defendant's motion to suppress (doc. #79) be, and the same hereby is, AFFIRMED in its entirety.

1 IT IS THEREFORE ORDERED that defendant's motion to suppress (doc. #79) be, and the  
2 same hereby is, DENIED.

3 DATED November 28, 2011.

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6 UNITED STATES DISTRICT JUDGE